

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 08-0919 WHA

Plaintiff,

v.

**ORDER RE DEFENDANT'S
MOTION FOR REDUCTION
OF SENTENCE UNDER
AMENDMENT 782**

JUBENAL AMEZOLA,

Defendant.

Defendant Jubenal Amezola moves, *pro se*, for a reduction of his sentence under 18 U.S.C. 3582(c)(2) and Amendment 782 to the Sentencing Guidelines. The United States Probation Office has submitted a report in opposition, stating that defendant is not eligible for a lower sentence.


Amendment 782 to the United States Sentencing Guidelines, effective November 1, 2014, reduces the penalties for most drug offenses by reducing most offense levels. This amendment may be applied retroactively to reduce the sentences of previously sentenced inmates under 18 U.S.C. 3582(c)(2). Amendment 782 does not authorize, however, reductions in sentences when a defendant's offense level is not changed by the revised guidelines.

In 2010, defendant pled guilty to possession with intent to distribute more than eight kilograms of methamphetamine. Based on this quantity of drugs, defendant's offense level was

1 38 and he received a sentence of 180 months. Under the amended sentencing tables,
2 defendant's offense level, based on the quantity of drugs he possessed, remains at 38.
3 Defendant is thus ineligible for a sentence reduction under Amendment 782. Defendant's
4 motion is **DENIED**.

5
6 **IT IS SO ORDERED.**

7
8 Dated: October 26, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE